

CHAPTER 159

MISSOURI BASIN CO-OPERATIVE

S. F. 402

AN ACT to legalize and validate the proceedings for the organization and operation of the Missouri Basin Municipal Electric Cooperative Association and declaring said cooperative association to be legally established and declaring each and all of its acts to have been legally taken and declaring each and all of the actions taken by Missouri Basin Municipal Electric Cooperative Association and by the city of Alton, city of Hartley, city of Hawarden, city of Kimballton, city of Manilla, city of Orange City, city of Paullina, city of Primghar, city of Remsen, city of Sanborn, city of Shelby, city of Sioux Center and city of Woodbine, all in Iowa, in entering into, ratifying and confirming an agreement between Missouri Basin Municipal Electric Cooperative Association and its municipal members dated September 15, 1976, first amendment thereto dated March 22, 1977 and a certain transmission agreement between Missouri Basin Municipal Electric Cooperative Association and Northwest Iowa Power Cooperative dated November 30, 1976, to have been legally taken.

Be It Enacted by the General Assembly of the State of Iowa:

WHEREAS, proceedings have been taken for the organization of the Missouri basin municipal electric cooperative association under the provisions of chapter four hundred ninety-nine (499) of the Code for the purpose of generating, manufacturing, purchasing and accumulating electric energy for its members and transmitting, distributing, furnishing, selling and disposing of such electric energy to its members and constructing, erecting, purchasing, leasing and in any manner acquiring, owning, holding, maintaining, operating, selling, disposing of, exchanging or mortgaging plants, buildings, works, machinery, supplies, apparatus, equipment and transmission and distribution lines or systems necessary, convenient or useful for carrying out and accomplishing the foregoing purposes; and

WHEREAS, a certificate of incorporation of said Missouri basin municipal electric cooperative association was issued by the secretary of state of the state on November 20, 1973, and the following municipal electric utilities are current members in good standing of said association: city of Alton, city of Hartley, city of Hawarden, city of Kimballton, city of Manilla, city of Orange City, city of Paullina, city of Primghar, city of Remsen, city of Sanborn, city of Shelby, city of Sioux Center and city of Woodbine all in Iowa; and

WHEREAS, Missouri basin municipal electric cooperative

association, did on September 15, 1976, enter into an agreement with its municipal members, which agreement relates to and forms a part of a certain transmission agreement with northwest Iowa power cooperative; and

WHEREAS, the first amendment to said agreement between Missouri basin municipal electric cooperative association and its municipal members, has been executed, ratified and confirmed by Missouri basin municipal electric cooperative association and all of its municipal members; and

WHEREAS, Missouri basin municipal electric cooperative association has, on behalf of its municipal members, entered into a transmission agreement, dated November 30, 1976, with northwest Iowa power cooperative, a cooperative association organized and operating under chapter four hundred ninety-nine (499) of the Code, for the purpose of obtaining electric energy for sale and distribution to the municipal members of said Missouri basin municipal electric cooperative association, the same now being the cities of Alton, Hartley, Hawarden, Kimballton, Manilla, Orange City, Paullina, Primghar, Remsen, Sanborn, Shelby, Sioux Center and Woodbine all in Iowa; and

WHEREAS, Missouri basin municipal electric cooperative association and all municipal members have taken action pursuant to chapters three hundred ninety (390) and twenty-three (23) of the Code as amended, to ratify and confirm the agreement between the Missouri basin municipal electric cooperative association and its municipal members, first amendment thereto, and the transmission agreement between Missouri basin municipal electric cooperative association and northwest Iowa power cooperative as a joint agreement, pursuant to chapter three hundred ninety (390) of the Code, as amended; and

WHEREAS, the aforementioned documents together now purport to form a joint agreement pursuant to chapter three hundred ninety (390) of the Code, as amended; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the proceedings taken for the organization and operation of said Missouri basin municipal electric cooperative association and the acts taken by the Missouri basin municipal electric cooperative association, and its municipal members in entering into, ratifying and confirming said joint agreement and it is deemed advisable and necessary to put such doubts and all others that might arise concerning same forever at rest; NOW THEREFORE,

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. That all proceedings heretofore taken in connection with the organization and providing for the operation of the cooperative association now known and identified as the "Missouri basin municipal electric cooperative association" and all acts heretofore taken by said Missouri basin municipal electric cooperative association and its municipal members, including entering into said agreement between Missouri basin municipal electric cooperative association and its municipal members, first amendment thereto, and said transmission agreement between Missouri basin municipal electric cooperative association and northwest Iowa power cooperative, be and the same are hereby legalized, validated and confirmed, and said documents together are hereby declared to form a valid joint agreement pursuant to chapter three hundred ninety (390) of the Code, as amended. Further that the acts heretofore taken by said municipal members in connection with said agreement between Missouri basin municipal electric cooperative association and its municipal members, first amendment thereto and said transmission agreement between Missouri basin municipal electric cooperative association and northwest Iowa power cooperative are hereby legalized, validated and confirmed. Further, that said Missouri basin municipal electric cooperative association is hereby declared to constitute a legal cooperative association authorized to operate in accordance with its articles of incorporation and by-laws as they now exist and in accordance with provisions of chapter four hundred ninety-nine (499) of the Code.

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Union-Republican, a newspaper published in Albia, Iowa, and in The Independent, a newspaper published in Hawarden, Iowa.

Approved July 11, 1977

I hereby certify that the foregoing Act, Senate File 402, was published in the Union-Republican, Albia, Iowa on July 14, 1977, and in The Independent, Hawarden, Iowa on July 21, 1977.

MELVIN D. SYNHORST, *Secretary of State*